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**FILED**  
DISTRICT COURT OF GUAM

DEC - 7 2004 *JP*

MARY L. M. MORAN  
CLERK OF COURT

78

Attorneys for Defendants  
Guam Election Commission and  
Gerald A. Taitano

IN THE DISTRICT COURT OF GUAM

LOURDES P. AGUON-SCHULTE,

Plaintiff,

vs.

THE GUAM ELECTION COMMISSION,  
et al.,

Defendants.

CIVIL CASE NO. 04-00045

**AFFIDAVIT OF GERALD A.  
TAITANO, EXECUTIVE  
DIRECTOR OF THE GUAM  
ELECTION COMMISSION**

JAY MERRILL, et al.,

Plaintiff,

vs.

THE GUAM ELECTION COMMISSION;  
et al.,

Defendants.

CIVIL CASE NO. 04-00046

GUAM,

) ss.:

CITY OF TAMUNING

I, **GERALD A. TAITANO**, individually and as Executive Director of the Guam

Election Commission (hereafter "GEC"), do hereby depose and say:

**ORIGINAL**

1. I am the Executive Director of the Guam Election Commission, I am over the age of majority, and I am competent to testify to the facts alleged in this Affidavit.

2. I was acting in my official capacity as Executive Director during all periods of time relevant to the aforementioned and enumerated cases.

3. I implemented Public Law 27-108 which was "An Act To Cure Defects In Compliance With 3 GCA §17509 and 17511 and to add §17509.1". In summary, P.L. 27-108 provided that the ballot pamphlets regarding the initiative entitled "An Initiative to Establish the Guam Casino Gaming Control Commission Act" (hereafter "Proposal A"), does not need to contain a complete text of the initiative measure to be submitted to the voters.

4. P.L. 27-108 further requires that complete text copies of the Proposal A be transmitted to various listed governmental agencies and locations.

5. That I, or the GEC Staff at my direction, caused to be transmitted, copies of the complete text of Proposal A to the following: all nineteen (19) village Mayors at their respective mailboxes located at the Mayor's Council, Hagatna, Guam; all fifteen (15) Senators, the Attorney General of Guam, the Office of the Public Auditor, every branch of the Guam Public Library System, the Robert F. Kennedy Library at the University of Guam, and the Guam Territorial Law Library.

6. Furthermore, the complete text of the Proposal A was made available via the GEC's Website, ([www.guamelection.org](http://www.guamelection.org)), and copies were made available at the GEC office to any registered voter upon request.

7. The GEC did not publish in the Pacific Daily News, regarding the availability of copies of the Measure, because no funds had been appropriated by the Legislature to accomplish said publication.

8. The availability of the complete text of Proposal A was made known to the public through the numerous and various news reports generated by the various media, at that point in time.

9. Upon information and belief, the complete text of Proposal A was also made available at the website for the proponents of Proposal A, Citizens for Economic Diversity (CFED) and for the opponents, Citizens Opposing Proposition A (COPA) website.

10. Attached herewith as Exhibit "1" is a true and accurate copy of the Memorandum dated October 26, 2004 from the Executive Director, GEC, to all Senators, 27<sup>th</sup> Guam Legislature, all village Mayors, the Attorney General of Guam, the Guam Public Auditor, and the respective librarians for the Nieves M. Memorial Library (Hagatna), Agat Public Library, Barrigada Public Library, Dededo Public Library, Merizo Public Library, Yona Public Library, Robert F. Kennedy Library (UOG) and the Guam Territorial Law Library, evidencing the GEC's transmittal of the complete text of Proposal A to all entities required under Public Law 27-108.

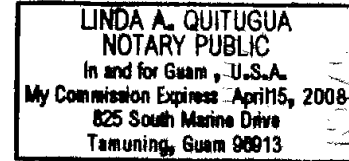
Further affiant sayeth naught.

  
**GERALD A. TAITANO, Executive Director**

SUBSCRIBED AND SWORN to before me this 6<sup>th</sup> day of December, 2004.

Linda A. Quitugua  
Notary Public

CCC:me  
P047251.CCC



Attorneys at Law

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# GUAM ELECTION COMMISSION

## Kumision Eleksion Guahan

P.O. Box BG • Hagåtña, Guam 96932  
Tel: (671) 477-9791/3 • Fax: (671) 477-1895



### MEMORANDUM

Date: October 26, 2004

From: Executive Director, Guam Election Commission

To: Hon. Vicente C. Pangelinan, Speaker, 27<sup>th</sup> Guam Legislature  
Hon. Frank B. Aguon, Jr., Vice Speaker, 27<sup>th</sup> Guam Legislature  
Hon. Tina Muna Barnes, Senator, 27<sup>th</sup> Guam Legislature  
Hon. Joanne M.S. Brown, Senator, 27<sup>th</sup> Guam Legislature  
Hon. F. Randall Cunliffe, Senator, 27<sup>th</sup> Guam Legislature  
Hon. Carmen Fernandez, Senator, 27<sup>th</sup> Guam Legislature  
Hon. Mark Forbes, Senator, 27<sup>th</sup> Guam Legislature  
Hon. Lawrence F. Kasperbauer, Senator, 27<sup>th</sup> Guam Legislature  
Hon. Robert Klitzkie, Senator, 27<sup>th</sup> Guam Legislature  
Hon. Lou Leon Guerrero, Senator, 27<sup>th</sup> Guam Legislature  
Hon. Jesse A. Lujan, Senator, 27<sup>th</sup> Guam Legislature  
Hon. John M. Quinata, Senator, 27<sup>th</sup> Guam Legislature  
Hon. Rory J. Respicio, Senator, 27<sup>th</sup> Guam Legislature  
Hon. Toni Sanford, 27<sup>th</sup> Guam Legislature  
Hon. Ray Tenorio, Senator, 27<sup>th</sup> Guam Legislature  
All Village Mayors  
Attorney General of Guam  
Guam Public Auditor  
Librarian, Nieves M. Memorial Library, Hagåtña  
Librarian, Agat Public Library  
Librarian, Barrigada Public Library  
Librarian, Dededo Public Library  
Librarian, Merizo, Public Library  
Librarian, Yona Public Library  
Librarian, Robert F. Kennedy Library, University of Guam  
Librarian, Guam Territorial Law Library

The attached copy of Proposal A, an Initiative to Establish the Guam Casino Gaming Control Commission Act, is forwarded to your office to be made available to the general public. Mayors are asked to post a copy of the Proposal A Initiative in their offices. A copy of the Proposal A Initiative is posted and available at our GEC website "[www.guamelection.org](http://www.guamelection.org)". Further, hard copies of the Proposal A Initiative are available one per registered voter at our office in Hagåtña.

Please call me at 477-9791 thru 4 if you have any questions.

Very respectfully,

*Gerald A. Taitano*  
Gerald A. Taitano  
Executive Director

Attachment

*delivered to above - 10/26/04 S*

**EXHIBIT "A"**